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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/116,124	07/15/1998	YASUTOMO NISHINA	450100-4521	2200
20999	7590	12/01/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			TRAN, HAI V	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/116,124

Applicant(s)

NISHINA ET AL.

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 2-3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 09/14/2005 have been fully considered but they are not persuasive.

In view of Applicant remarks, "...none of the above-mentioned references teach or suggest that said program related information and said display related layout information are divided into a 1<sup>st</sup> part that includes identification information for identifying said program related information and said display related layout information..." (see Applicant remark page 15), the Examiner does not understand what Applicant try to convey. The examiner believes the following Applicant 's specification page 26, lines 20-page 27, line 24 and fig. 34A-C in which Applicant refers to; However, the Examiner could not find the claimed limitations.

As such, the Examiner maintains the previous rejection and respectfully requests Applicant to further elaborate on how the claimed limitation in the amended claims is supported in Applicant 's specification.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 4-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Limitation "wherein said program related information and said display related layout information are divided into a 1<sup>st</sup> part that includes ...second block data" in amended claims 1, 4, 8, 9, 10 and 11 does not disclose in Applicant's specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Independent Claims 1, 4, 8, 9, 10, and 11 recites the limitation "said displayed related layout information" in the lines 22, 5, 11, 5, 12, and 6 respectively. There is insufficient antecedent basis for this limitation in the claim.

The following art rejection is applied to applicant claims as best understood in view of the 112 1<sup>st</sup> and 2<sup>nd</sup> paragraph rejection above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, and 4-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiga et al. (US 6005562) in view of Matthews, III et al. (US 6025837) and further in view of Kretz et al. (US 6502241).

Regarding claim 1, Shiga discloses a transmitter system for transmitting program related information (EPG data) relating to program Information (EPG)(see Fig.1)

Generating means for generating the program related (see Fig.1, "Controls Switcher 301 couples EPGs ' data received from plurality of Television stations (NHK, NTV, TBS, FUJI, TV ASAHI, TV TOKIO and WOWOW) to EPG data generating device 309") and display related information (Fig.1, "Program control device 308 couples to the EPG data generating device 309 with control data to display EPG at receivers) relating to displaying the program related information; and

Transmitting means for transmitting the program related information and the display related information separately (In Fig. 1 the "Program control device" 308 couples (control data concerning display information of EPG such as Fig.8, 9 and 10) to the "EPG data generating device" 309 and the "Program control device" 308 also controls "Switcher" 301 to couple to "EPG data generating device" 309 to generate separately EPG1, EPG2, EPG3, wherein EPG1-3 correspond to plurality of Television stations NHK, NTV, TBS, FUJI, TV ASAHI, TV TOKIO and WOWOW received at Switcher 301. EPG1, EPG2, and EPG3 transmitted along with elements 302, 303-1, 303-2..303-7 through multiplexer 304-1..304-8; thus, it's clearly that

Shiga discloses separate transmission of electronic program guide data and data concerning the display of the electronic program guide.);

Generating means composing the program related information (EPG data) and the display related information (Control data) of a first part "the leading 10 bytes, the original\_network\_id(2) and last\_table\_id(1)" including identification information (last\_table\_id) for identifying the program related information and display related information, and a second part (event descriptors loop [0..N]) composes of actual data (Col.13, lines 54-Col.14, lines 27).

Whereby the display related information (additional information) includes information for initiating an operation (Short\_event\_descriptor and Extended\_event\_descriptor; Col. 14, lines 12-18) in response to selection of a displayed item (Col. 22, lines 50-65+).

Whereby the displaying of the program related information includes partitioning a display space into boxes, partitioning each of the boxes into cells and displaying the program related information according to the boxes and cells (see Fig. 8 and 9; Col. 20, lines 13-20). As noted, Fig. 8 clearly shows the display space correspond to the window with the title "Programs to be Broadcast", within that window Shiga clearly shows two (2) boxes, i.e. 1<sup>st</sup> box has corresponding box's title "Station" and the 2<sup>nd</sup> box also has corresponding title corresponding to the time period "7:00 8:00 9:00"; Shiga further shows each of the two (2) boxes is partitioning into a plurality of cells (at least 2 cells), i.e. First (1<sup>st</sup>) Station' s Box has a plurality of cells (at least 2 cells) contain corresponding station' s name for each cell, such as

CNN, MTV, Star... The 2<sup>nd</sup> box corresponds to the time period "7:00 8:00 9:00" also has a plurality of cells (at least 2 cells). Each of the cells contains corresponding TV program name, such as World News, World Sport, Money, etc...

Shiga does not clearly disclose partitioning a display space according to a hierarchical structure having at least three levels, a main page level, a box level and a cell level, wherein main pages are linked to box via a main-box link information and boxes are linked to cells via box-cell link information.

Matthews discloses partitioning a display space according to a structure having at least three blocks/objects (Fig. 5), a main page object 110, a box object 114, 116, 120 and a cell object (i.e., time panel 116 (Box) with corresponding time cells; Col. 9, lines 1-55), wherein main pages are linked to box via a main-box link information and boxes are linked to cells via box-cell link information according to the well known GUI interface windowing environment of Microsoft Windows or IBM OS/2 environment as disclosed (Col. 8, lines 41-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shiga with the teaching of Matthews so to provide to user a friendly GUI interface/display space well defined with pages, boxes and cells that all link to each other so that user could navigate with ease as intended in the windows environment.

Shiga in view of Matthews does not clearly disclose the display space is partitioning according to a hierarchical structure having at least three level and the main pages are linked to box via a main-box link information and boxes are linked to cells via box-cell link information; and whereby each main page is associated with a

main layout tag that includes an ID of a box composing the page and each box is associated with a box layout tag that includes an ID of a cell composing the box.

Kretz discloses the display space is partitioning according to a hierarchical structure having at least three level (Col. 4, lines 20-45) and the main pages are linked to box via a main-box link information and boxes are linked to cells via box-cell link information and whereby each main page is associated with a main layout tag (i.e., Table\_Header) that includes a display position for both the box (Fig. 5A-E; Col. 4, lines 20-48 and Col. 58-61) and an ID of a box (i.e., item\_no within the main menu/page at level 0) composing the page and each box (i.e., item within main page level 0) is associated with a box layout tag (menu\_item) that includes both a display position for the box (Fig. 5A-E; Col. 4, lines 2042-48 and Col. 58-61) and an ID of a cell (i.e., item\_no within the Box of corresponding page level 1 or 2; Col. 5, lines 65-Col. 6, lines 56; see Fig. 5D; Col. 10, lines 35-60), and each cell (item within the Box of corresponding page level # 1 or 2) is associated with a cell layout tag (i.e., label "EVENING" associated with corresponding cell) that includes an ID of a data format of the cell (i.e., item= "..."); a display position of the cell (Fig. 5E show a level 4 menu upon selecting items 119/cell ,i.e., Today's evening program of Fig. 5D ), and one or more IDs of information (i.e., No\_of\_attribute = ..., see Col. 11, lines 1-14) related to the cell /item 119.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shiga and Matthews with the teaching of Kretz so a large amount of local processing power can be dispense within the



receiver. Moreover, the transmitter now needs to include in the transmitted menu (EPG) structure only a search criterion (i.e., the category "news"), and the receiver autonomously display in response thereto all information items matching the criterion (Col. 1, lines 55-Col. 2, lines 15).

Regarding claims 4, 5, 6, 7 and 12, as analyzed with respect to claim 1, Shiga further discloses a receiver for recovering the program and EPG data transmitted over the broadcast channel to which a tuner is tuned.

Although not specifically disclosing the receiver for separately receiving the program related information and display related information relating to displaying the program related information; generating fourth information for displaying the program related information based on the program related information and the display related information; First separating the program related and the display related information into a first part containing identification for identifying the program related information and the display related information, and a second part composed of actual data; second separating the second part into a third part comprising identification information for identifying the second part and a fourth part composed of actual data; retrieving data of the second part and the fourth part of the program related information and the display related information based on the identification information; Updating the second part and the fourth part of the program related information and the display related information based on the identification information; Display control means for displaying a first window on a predetermined

screen and displaying data of fourth part within the first windows as claimed in claim 4-7.

Shiga receiver (Fig.23) must identify separately each stream of data so the receiver could recover the program and EPG data transmitted, as disclosed in which the MPEG streams are received and separated by the de-multiplexer 24, stored in corresponding memory buffer of the receiver so that the CPU of the receiver could read out from the buffer memory the corresponding video and audio data and process them along with any control information received by users to display EPG and information on the appropriate location of the TV display as shown in Fig. 7, 8, 9 and 10 (also see Col. 21, lines 60 - Col. 23, lines 3). Clearly the MPEG stream would have information concerning the layout of the EPG received therein (Col. 20, lines 8-20), thus meeting the limitation of claims 4-7 and 12. Shiva further discloses whereby the display related information (additional information) includes information for initiating an operation (Col. 14, lines 12-18) in response to selection of a displayed item (Col. 22, lines 50-65+).

Whereby the displaying of the program related information includes partitioning a display space into at least two boxes, partitioning each of the boxes into at least two cells and displaying the program related information according to the boxes and cells (see Fig. 8 and 9; Col. 20, lines 13-20). As noted, Fig. 8 clearly shows the display space correspond to the window with the title "Programs to be Broadcast", within that window Shiga clearly shows two (2) boxes, i.e. 1<sup>st</sup> box has corresponding box's title "Station" and the 2<sup>nd</sup> box also has corresponding box's title

of time period "7:00 8:00 9:00"; Shiga further shows each of the two (2) boxes is partitioning into a plurality of cells (at least 2 cells), i.e. First (1<sup>st</sup>) Station' s Box has a plurality of cells (at least 2 cells) contain corresponding station' s name for each cell, such as CNN, MTV, Star... The 2<sup>nd</sup> the time period "7:00 8:00 9:00" Box also has a plurality of cells (at least 2 cells) contain corresponding TV program displays in each of the cells, such as World News, World Sport, Money, etc...

Regarding method claim 8, see analysis of apparatus claim 1.

Regarding method claims 9 and 13 see analysis of apparatus claims 4-7 and 12.

Regarding claims 10-11 and 14, see analysis of claim 1.

Regarding claim 15, Shiga further discloses wherein the first window is composed of one or more boxes (Fig. 5, 6, 7, 8, 9 and 10) (Col. 9, lines 3-47).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
11/23/2005



**HAI TRAN**  
**PRIMARY EXAMINER**